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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

KAREN SUTHERLAND, et al.

Plaintiffs,
vs.

CITY OF STOCKTON, et al.

Defendants.

Case No.: 2:21-cv-01855-WBS-AC

AMENDED STIPULATION AND
ORDER TO MODIFY PRETRIAL
SCHEDULING ORDER

[No hearing requested]

1 All Plaintiffs and all Defendants, all through their undersigned counsel of record,
2 stipulate as follows:

3 RECITALS

4 A. On October 4, 2021, Plaintiffs filed this lawsuit. Plaintiffs are suing under
5 42 U.S.C. Section 1983 regarding the death of an individual.

6 B. On July 12, 2022, the Court issued a “Status (Pretrial Scheduling) Order”
7 (the “Scheduling Order”), scheduling a jury trial to begin on June 4, 2024. (ECF No. 26.)

8 C. Counsel have been diligently engaged in discovery, including both party
9 discovery and third-party subpoenas. However, as discovery and investigation progress,
10 it has become evident the dates in the Scheduling Order will not afford the parties
11 sufficient time to conduct the necessary investigation and discovery and other pretrial
12 matters. Further, because of the number of depositions counsel wishes to conduct
13 based on the results of discovery and investigation to date, the discovery cutoff date of
14 November 17, 2023, will not allow them sufficient time to complete all the discovery
15 necessary to prepare for trial. Moreover, both counsel’s schedules are impacted by
16 other matters; among other things, Plaintiffs’ counsel is scheduled to begin two back to
17 back jury trials commencing October 24, 2023, and Defendants’ counsel is in the
18 process of preparing for and taking approximately nine depositions both in this case and
19 another death case pending in this Court through the first week of October 2023.
20 Further, Defendants’ counsel anticipates an additional 11 depositions in the two
21 matters, all in October. Plaintiffs’ counsel has at least one additional deposition in this
22 matter they wish to take, as well.

23 D. Therefore, the parties respectfully request a modification of the Scheduling
24 Order to allow counsel a reasonable extension of time to conduct necessary discovery
25 and other pretrial matters.

26 E. In addition, in meeting and conferring on the need to modify the
27 Scheduling Order, counsel discussed the possibility of conducting a mediation. The

requested modification would allow the parties to focus on mediation efforts, potentially facilitating settlement. The parties have met and conferred on extending the deadlines for discovery and expert disclosure and discovery and have agreed to a schedule which does not necessitate a continuance of the trial date.

F. When an act must be done within a specified time, the Court may, for good cause, extend the time with or without motion if the court acts, or a request is made, before the original time expires. Fed. R. Civ. P. 6(b)(1)(A). With respect to an order setting forth the Court's pretrial schedule, "[t]he district court may modify the pretrial schedule 'if it cannot be reasonably met despite the diligence of the party seeking the amendment.'" *Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 609 (9th Cir. 1992).

G. There have been no prior modifications of the Scheduling Order.

STIPULATION

The parties, by and through their undersigned counsel, respectfully request the Court modify the Scheduling Order as follows:

Matter	Current Date	Proposed Date
Disclosure of Expert Witnesses	9/22/2023	10/23/2023
Disclosure of Rebuttal Expert Witnesses	10/20/2023	11/20/2023
Cutoff of All Discovery	11/17/2023	12/18/2023
Motion Filing Cutoff Date	1/16/2024	2/6/2024
Final Pretrial Conference	4/8/2024	No Change
Trial	6/4/2024	No Change

Based on the foregoing, the parties respectfully request that the Court grant this stipulation for a modification of the Scheduling Order.

Respectfully Submitted,

Dated: September 20, 2023

HERUM CRABTREE SUNTAG, LLP

By: /s/ Joshua J. Stevens

DANA A. SUNTAG
JOSHUA J. STEVENS
Attorneys for all Defendants

Dated September 20, 2023

V. JAMES DESIMONE LAW

By: /s/ V. James DeSimone

V. JAMES DESIMONE
JENICA P. LEONARD
Attorneys for all Plaintiffs

ORDER

The Court, having considered the parties' stipulation, and good cause appearing, rules as follows:

The relief the parties request is GRANTED, and the Scheduling Order is modified as follows:

Matter	Current Date	New Date
Disclosure of Expert Witnesses	9/22/2023	10/23/2023
Disclosure of Rebuttal Expert Witnesses	10/20/2023	11/20/2023
Cutoff of All Discovery	11/17/2023	12/18/2023
Motion Filing Cutoff Date	1/16/2024	2/6/2024
Final Pretrial Conference	4/8/2024	No Change
Trial	6/4/2024	No Change

IT IS SO ORDERED.

Dated: September 22, 2023



WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE